

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALBERT ADRIAN MONTTOYA,

Petitioner,

v.

CIV. 14-738-MV/GBW

JAMES JANECKA, *et al.*,

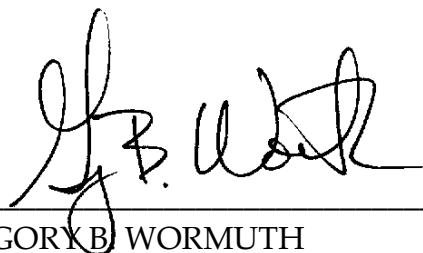
Respondents.

ORDER GRANTING MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

THIS MATTER is before the Court on Petitioner's Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees. *Doc. 9*. The Court, being fully advised, finds that the motion should be granted.

Petitioner was originally permitted to proceed in forma pauperis in the district court proceeding. *Doc. 6*. Under Federal Rule of Appellate Procedure 24(a)(3), generally "[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization." Petitioner's motion clearly shows that he is, at present, incapable of paying the fees associated with his appeal. *See generally doc. 9*. As such, the Court finds no material change in Petitioner's financial status and concludes that he should be exempt from payment of a filing fee at this time.

Wherefore, IT IS HEREBY ORDERED that Petitioner's Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees, (*doc. 9*), is GRANTED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE